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09/829,245	04/09/2001	Hui Li	PD000020	7596

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EXAMINER

BRANT, DMITRY

ART UNIT	PAPER NUMBER
2655	4

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/829,245

Applicant(s)

LI ET AL.

Examiner

Dmitry Brant

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/9/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because of handwritten descriptions (Fig. 1).

The applicant is required to provide a new drawing with typed element descriptions for Figure 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,209,028).

As per claims 1 and 9, Walker et al. teach:

- receiving video data (receiving TV signals - Col. 5, lines 3-7)
- receiving first identification information corresponding to video data (service information - Col. 5, lines 7-13)

- receiving via Internet a desired audio or subtitle translation data corresponding to video data - Walker et al. teach that supplemental data is retrieved from service controller over Internet (Col. 8, line 62- Col. 9, line 5). In addition, Walker et al. teach an embodiment where supplemental data is used for foreign language translation of TV programs- (Col. 11, lines 19-22).
- reproducing received data synchronized with said video data (Col. 4, lines 48-52)

Walker et al. do not explicitly teach detecting user's selection of preferred language and providing second identification information corresponding to said preferred language

However, Walker et al. teach interfacing with interactive voice response unit (IRVU) (elem. 12, FIG. 1), which allows users to make various program selections (Col. 6, lines 22-27). Therefore, it would have been obvious to the one of ordinary skill in the art that if a user wanted to order a foreign translation of a film (Col. 11, lines 19-22), a user would necessarily have to identify a specific language for the translation through IRVU (which would necessarily detect user's selection).

Additionally, Walker et al. do not explicitly teach transmitting identification information derived from 1st and 2nd information over Internet for requesting desired data from server.

However, Walker et al. teach using several types of information for specifying user's requests (920, FIG. 9B - appropriate data is extracted based on two parameters), although this data is received by IRVU through public switched telephone network

(PSTN), as opposed to Internet. The examiner takes official notice that the use of Internet is well-known in the art for transmission of data requests (client/server architecture).

It would have been obvious to the one of ordinary skill in the art to modify Walker et al. to use Internet instead of PSTN, as this would improve flexibility of the system because telephone connection would not be required for the system to operate and all communications would be performed over a data network. In addition, it would have been obvious to one of ordinary skill in the art that the identification data (elem. 920, FIG. 9b) would necessarily include language selection for the user, if this user were trying to order a program translation (as taught by Walker, Col. 11, lines 19-22)

As per claims 2 and 10, Walker et al. teach displaying a menu on TV screen (elem. 802, FIG. 8), but not a language menu.

It would have been obvious to the one of ordinary skill in the art to modify Walker et al. to include a menu with available language selections, because if the translation service was offered by the system (as taught by Walker, Col. 11, lines 19-22), the user would necessarily have to know information concerning available languages before selecting a language for translation and ordering an appropriate translation service.

As per claim 3, Walker et al. do not explicitly teach storing translation data on the server.

However, Walker et al. teach storing multiple audio programs on a server (database storage device, elems. 26f, FIG. 2). Walker et al. also teach using supplemental information to provide foreign translations (Col. 11, lines 19-22).

Therefore, it would have been obvious to one of ordinary skill in the art that such translation information would be stored and retrieved from the data storage device along with other audio programs in Walker et al.'s system because this is the location where Walker et al.'s system maintained supplemental audio information.

As per claim 4, Walker et al. teach making program selections through IRVU (Col. 6, lines 22-27) - hence user's selections are necessarily detected and stored by service controller (200, FIG. 1). In addition, Walker et al. teach using supplemental information for foreign translations (Col. 11, lines 19-22). Therefore, it would have been obvious to one of ordinary skill in the art to select translation services through IRVU, which would detect/store them and pass them along to the service controller.

Walker et al. do not teach detecting such selections before the video data is received.

The examiner takes official notice that pay-per-view systems are well-known in the art. These systems would not allow the customer to download the video data before he makes a payment and chooses a desired language.

As a result, it would have been obvious to the one of ordinary skill in the art to modify Walker to work with a pay-per-view system, where the video download would begin after the user makes the language selection through IRVU (and presumably pays

for the service), because this would enable the system to determine user's language requirements before unnecessarily wasting network resources by downloading the movie in the wrong language.

As per claim 5, Walker et al. teach recording video data (Col. 7, lines 62-65) by using VCRs. It would have been obvious to one of ordinary skill in the art to record a TV program on VCR using standard and well-known VCR-programming techniques (ShowView, etc).

Walker et al. also teach downloading the supplemental data after the original recording (Col. 7, lines 62-65) - it is clear that a "time-shifted playback of a previously broadcast TV program" would have to occur after the original TV program was aired and recorded, and as a result, the user would download the supplemental information (translation) at some time after the original recording took place.

As per claim 6, Walker et al. teach using time-codes for synchronizing video and audio information (Col. 7, lines 51-57)

As per claim 8, Walker et al. do not explicitly teach using teletext.

However, Walker et al. teach that service information (first identification) is displayed discretely during the broadcast of a television program (Col. 4, lines 53-57).

It would have been obvious to one of the ordinary skill in the art to modify Walker et al. to display such information by using teletext, because teletext is a well-known technique of displaying textual information on television screens.

As per claim 11, Walker et al. teaches using supplemental information service for translation of foreign films (Col. 11, lines 19-22).

Walker et al. teach receiving identification information requested by a user. (Col. 6, lines 22-27).

Walker et al. also teach storing audio data (such as translation data - see explanation above) sets for related video data, wherein each of said audio data includes of the original data related to specific ones of said video data (synchronization - Col. 7, lines 51-57)

Walker et al. also teach selecting upon receiving said identification information an audio data set (such as translation data - see explanation above) corresponding to user's request and transmitting said audio set to a receiver of said user (elems. 920 and 924, FIG. 9B).

Walker et al do not teach that said identification information corresponds to a preferred language and to video data that are originally accompanied by audio or subtitle data in a language different from said preferred language.

It would have been obvious to one of ordinary skill in the art that if a user wanted to order foreign translation for a film (Col. 11, lines 19-22), a user would necessarily have to identify a specific language for the translation through IRVU.



4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. as applied to claim 6 above, and further in view of Billmaier et al. (6,719,815).

Walker et al. do not teach using MPEG for video encoding nor do they teach using synchronization marker codes.

Billmaier et al. teach using MPEG (Col. 5, lines 47-51) and using synchronization packets that contain time indexes (Col. 9, lines 16-26 and FIG. 8). These packets act as synchronization codes and ensure synchronization between video and audio data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker et al. as taught by Billmaier et al. in order to use and synchronize video and audio MPEG streams, as MPEG is a well-known standard used for transmission of media data over the Internet and hence would have been an obvious design choice for an engineer building an Internet-based system (as taught by Walker, Col. 8, line 62- Col. 9, line 5)

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Angell et al. (6,513,003) teach integrated delivery of media and synchronized transcription.

Kirkland (5,900,908) teaches a system for providing described television services (close-captioning)

Barcy et al. (6,542,200) teach television/radio speech-to-text translating processor.

Daum et al. (5,815,634) teach synchronization method for multiple MPEG streams.

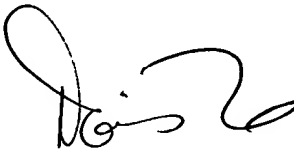
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Brant whose telephone number is (703) 305-8954. The examiner can normally be reached on Mon. - Fri. (8:30am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 306-3011. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Tech Center 2600 receptionist whose telephone number is (703) 305- 4700.

DB

6/4/04



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